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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 FERDANDO RUIZ-GUZMAN,

11 Defendant.

No. 2:06-CR-02056-EFS-1

**ORDER DENYING MOTION TO REDUCE
SENTENCE**

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13 Before the Court, without oral argument, is Fernando Ruiz-
14 Guzman's pro se Motion to Modify and Reduce Sentence, ECF No. 119. In
15 his motion, Defendant seems to suggest that his revocation sentence in
16 this matter should be reduced, but his arguments pertain to a
17 Guideline calculation conducted in case number 1:16-CR-02034-EFS-1, in
18 which he was convicted and sentenced for being an alien in the U.S.
19 after deportation. The 2016 conviction did serve as the basis for
20 finding that Mr. Ruiz-Guzman violated the terms of his supervised
21 release in the above-captioned matter. However, the 2016 case's
22 Guideline calculation did not – and could not – affect the Guideline
23 range for his revocation sentence in this case. See U.S.S.G. § 7B1.4
24 (determining recommended ranges based only on the grade of violation
25 and original criminal history category).

1 The Court further notes that an appeal is currently pending and
2 Mr. Ruiz-Guzman is still represented by counsel in this matter, John
3 Stephen Roberts, Jr. To the extent that this Court has jurisdiction
4 to hear any motions, such motions must be submitted through counsel.
5 If defense counsel's representation in this matter is limited to the
6 appeal, defense counsel shall immediately inform both Mr. Ruiz-Guzman
7 and the Court of the nature and scope of the representation.

8 Mr. Ruiz-Guzman also has counsel of record in the 2016 case:
9 Jeremy B. Sporn. If Mr. Ruiz-Guzman wishes, he may consult with
10 counsel for the 2016 case about filing a similar motion that
11 challenges the categorization of his prior offense as a "drug
12 trafficking offense" in case number 1:16-CR-02034-EFS-1. In this
13 case, however, the Court finds that the arguments asserted by Mr.
14 Ruiz-Guzman cannot support a sentence reduction.

15 Accordingly, **IT IS HEREBY ORDERED:**

16 1. Defendant Fernando Ruiz-Guzman's pro se Motion to Modify
17 and Reduce Sentence, **ECF No. 119**, is **DENIED**.

18 2. This case shall remain **CLOSED**.

19 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
20 Order and provide copies to Defendant, all counsel in this case, as
21 well as defense counsel in case number 1:16-CR-02034-EFS-1, Jeremy B.
22 Sporn.

23 **DATED** this 12th day of May 2017.

24
25 s/Edward F. Shea
EDWARD F. SHEA
26 Senior United States District Judge